

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit: :
Examiner :
In re application of :
Daudet et al. : JOIST SUPPORT APPARATUS
Serial No. [To Be Assigned] :
Filed: :

INFORMATION DISCLOSURE STATEMENT

Pittsburgh, Pennsylvania 15222

June 23, 2003

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The above-referenced application (the "subject application") is a continuation of U.S. Patent Application Serial No. 10/145,471, filed May 14, 2002 (the "parent application"), which is a continuation of U.S. Patent Application Serial No. 09/723,899, filed November 28, 2000 (the "grandparent application") which is a continuation of U.S. Patent Application Serial No. 09/199,661, filed November 25, 1998 (the "great grandparent application"). The subject application claims priority from the parent, grandparent and great grandparent applications.

The great grandparent application has issued as U.S. Patent No. 6,301,854.

The grandparent application remains pending. A Notice of Allowance issued on May 21, 2003 in connection with the grandparent application. Applicant is filing on even date hereof a Request For Continued Examination ("RCE") of the grandparent application to have an Information Disclosure Statement considered which cites U.S. Patent No. 6,418,694 to Daudet et al. (the "'694 patent") which matured from U.S. Patent Application Serial No. 09/944,671 and which is a divisional application of the grandparent application. The grandparent application is before Primary Examiner Chilcot, Jr. of Art Unit No. 3627. A copy of the text of the allowed claims and a copy of page 2 of a Notice of Allowance for the grandparent application are also enclosed.

The parent application remains pending. A Notice of Allowance issued in connection with the parent application on March 25, 2003. Applicant is filing on even date hereof an RCE of the parent application to have an Information Disclosure Statement considered which cites the '694 patent.

In accordance with the duty of disclosure pursuant to 37 C.F.R. § 1.56, Applicant hereby advises the United States Patent and Trademark Office ("PTO") of the references listed on the accompanying Form PTO-1449 *Information Disclosure Statement By Applicant* -Substitute for form 1449A/PTO. With the exception of the '694 patent, the references cited therein were of record in the parent and/or grandparent and/or great grandparent applications. Accordingly, pursuant to 37 C.F.R. § 1.98(d), Applicant is enclosing a copy of the '694 patent and a copy of the published parent application and is not required to enclose copies of the other references. If, however, the Examiner would like to obtain additional copies of

such references, Applicant will promptly supply such copies upon the Examiner's request.

Applicant also informs the PTO of the following:

Related Litigation

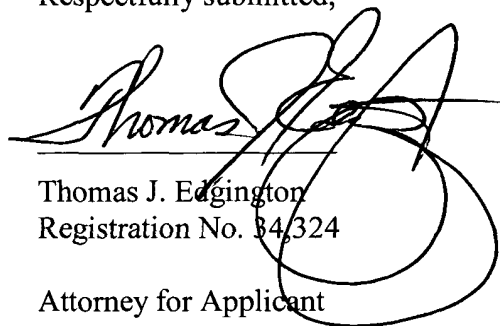
On April 5, 1999, Steel Floors, LLC of 7935 E. Prentice Avenue, Suite 103, Greenwood Village, Colorado 80111 (hereinafter "Steel Floors") filed a complaint in District Court, Denver County, Colorado (Civil Action No. 99CV2248) that contained various unfair competition, misappropriation of business value, and unjust enrichment claims against Dietrich Industries, Inc., Assignee of the parent, grandparent, great grandparent and the parent and the subject applications.¹ Applicant submitted a copy of that Complaint in connection with the grandparent application. On September 28, 1999, the PTO issued U.S. Patent No. 5,956,916 to George Louis Liss (hereinafter the "Liss Utility Patent"). On September 29, 1999, Steel Floors filed a Verified Amended and Restated Complaint, wherein Steel Floors added a claim of patent infringement based on the Liss Utility Patent. A copy of the Verified and Amended and Restated Complaint was filed in connection with the parent application. Since then, Steel Floors has further amended its complaint to assert infringement of U.S. Patent No. DE – 423,325, issued April 25, 2000 (the "Liss Design Patent").

On September 5, 2000, Steel Floor's filed a request for reexamination of the Liss Utility Patent. That request was subsequently granted and merged with another request for reexamination filed by Applicant on April 2, 2001. On February 21, 2001, the above-mentioned litigation was stayed pending the outcome of the reexamination proceedings which presently remain pending.

Applicant notes that although the cited references may be relevant to the

examination of the above-referenced application, under 37 C.F.R. § 1.97(h), the filing of this Information Disclosure Statement "shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to the patentability as defined in § 1.56(b)."

Respectfully submitted,



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Attorney for Applicant

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¹ Dietrich Industries, Inc. is referred to herein as "Applicant".

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| | | Filing Date | | | |
| | | First Named Inventor | Ponko et al. | | |
| | | Art Unit | | | |
| | | Examiner Name | | | |
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¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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